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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR -7 AM 11:19
Magistrate Docket No. 08 MJ 1075
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aureliano GUZMAN-Rodriguez,

Defendant

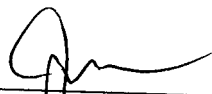
BY COMPLAINT FOR VIOLATION OF:
DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

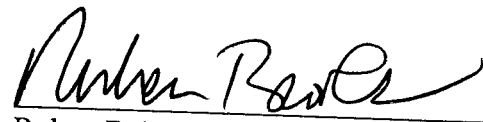
On or about **April 4, 2008** within the Southern District of California, defendant, **Aureliano GUZMAN-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF April, 2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Aureliano GUZMAN-Rodriguez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On Friday, April 4, 2008, Border Patrol Agents P. Campbell and R. Rauseo were working their assigned line watch duties in an area near Dulzura, California. Agents Campbell and Rauseo were driving along Lyons Valley Road at approximately 7:00 p.m., when they observed two subjects walking along the road about one-half mile east of the intersection of Honey Springs Road and Skyline Truck Trail. This area is approximately nine and a half miles north of the U.S. / Mexico international border and approximately 12 miles east of the Otay Mesa, California Port of Entry. Both subjects appeared tired and dirty. Due to their appearance and the nearness to the border, Agents Campbell decided to question both subjects. Agent Campbell identified himself as Border Patrol Agent and conducted a field interview. During the interview, each subject, including one later identified as the defendant **Aureliano GUZMAN-Rodriguez**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. Approximately 7:15 p.m., Agent Campbell placed both individuals under arrest and arranged for them to be transported to the Brown Field Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on March 6, 1997 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 5, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 4, 2008, in violation of Title 8, United States Code, Section 1326.



Peter C. Lewis
United States Magistrate Judge

4-5-08 @ 11:13 a.m.
Date/Time